

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

LODI UNIFIED SCHOOL DISTRICT.

OAH Case No. 2014120609

ORDER GRANTING REQUEST FOR
CONTINUANCE

On January 21, 2015, Lodi filed a request to continue this matter asserting that its attorney and student services director are both unavailable on the dates currently set for hearing in this matter and expressing a desire to continue settlement negotiations. On January 22, 2015, Student submitted a response Lodi's motion to continue stating he does not oppose a continuance due to his attorney's unavailability on the previously scheduled hearing date.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3). As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) The Office of Administrative Hearings considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

Good cause was established to continue the due process hearing in this matter due to witness and attorney unavailability.

ORDER

1. Lodi's Motion to Continue is granted and all dates currently set are vacated.

2. The PHC is now scheduled for Monday, February 23, 2015, at 10:00 a.m. and the due process hearing is scheduled for Tuesday, March 3, at 9:30 a.m., March 4-5, 2015, at 9:00 a.m., and day-to-day thereafter, as needed, and at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

DATE: January 23, 2015

/s/

JOY REDMON
Administrative Law Judge
Office of Administrative Hearings